

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 3:19-cv-10
	)	
MONICA WEISSLING,	)	
	)	
Defendant.	)	

COMPLAINT

The Plaintiff, United States of America, complains of the Defendant above named and for cause of action alleges and says:

1. The Plaintiff is the United States of America, and the Court has jurisdiction of this action pursuant to Title 42, United States Code, Section 2541-1.

2. The Defendant resides within Dubois County, State of Indiana, in the Southern District of Indiana.

3. The Defendant is indebted to plaintiff in the principal sum of \$200,178.08, plus interest accruing at the rate of 10.625% computed from September 20, 2013, the date of default, until judgment. Said debt is more fully described in Certificate of Indebtedness, a copy of which is attached hereto, made a part hereof and marked Exhibit 1. The debt remains due and owing.

4. The Plaintiff has made a demand upon the Defendant for the above sum, but the Defendant has neglected and refused to pay same and persists in that refusal.

5. This amount is a debt to the United States as defined in the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. §§ 3001-3308. *See* 28 U.S.C. § 3002(3)(B).

WHEREFORE, the United States of America prays to recover of and from the Defendant the principal sum of \$200,178.08, plus interest computed from date of default, September 20, 2013, to April 15, 2018, at the rate of 10.625% per annum, in the sum of \$107,189.25, for a total of \$307,367.33, plus interest to date of judgment at the rate of 10.625% per annum, plus interest at the prevailing rate after judgment until paid, costs of this action, and for all other just and proper relief.

JOSH J. MINKLER  
United States Attorney

By: s/ Shelese Woods  
Shelese Woods  
Assistant United States Attorney

Office of the United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, Indiana 46204  
Telephone: 317-226-6333



DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center

Debt Collection Center

**CERTIFICATE OF INDEBTEDNESS**  
**National Health Service Corps**  
***Loan Repayment Program***  
***Half-Time Contract***

Monica Weissling  
30 Wildcat CT  
Jasper, IN 47546  
REF: 23130069  
SSN: XXX-XX-8892 `

Total debt due United States as of April 15, 2018: \$307,367.33 (principal \$200,178.08, interest \$107,189.25).

I certify that the Department of Health and Human Services' (DHHS) records show that the individual named above is indebted to the United States in the amount stated above. Interest accrues on the principal amount of this debt at the fixed rate of 10.625% per annum. The interest accrues at \$58.27 per day.

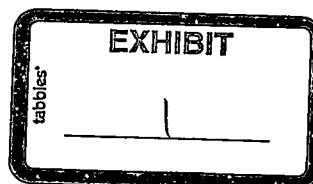
Ms. Weissling submitted an application to participate in the National Health Service Corps (NHSC) Loan Repayment Program (LRP) (42 U.S.C. 254l-1). The application was approved, and she entered into an NHSC/LRP contract on September 14, 2011. Funds totaling \$60,000.00 were paid to her by the Federal government in accordance with the provisions of the statute and implementing regulations [42 C.F.R. Part 62, Subpart B].

These funds were paid upon the condition that she provide health services on a half-time clinical basis in a health professional shortage area (designated under 42 U.S.C. 254e and 42 C.F.R. Part 5) assigned by the Secretary. She was obligated to provide such service for (4) years. She did not complete the service obligation owed under the written contract. She completed 239 half-time days; 8 full months of service.

Pursuant to 42 U.S.C. 254o(c)(1), if (for any reason) an individual fails either to begin or to complete his or her period of obligated service, the United States shall be entitled to recover from the individual an amount equal to the sum of:

- (A) the total of the amounts paid by the United States for any period of obligated service not served,
- (B) a penalty equal to the product of the number of months of obligated service that were not completed by an individual, multiplied by \$3,750.00; and
- (C) interest on the above amounts from the date of the breach;

except, the amount the United States is entitled to recover shall not be less than \$31,000.00.



**PAGE 2 - CERTIFICATE OF INDEBTEDNESS -**

The amount the United States is entitled to recover consists of: \$200,178.08.

- (A) the total of the amounts paid by the United States for any period of obligated service not served,
- \$50,178.08 ; (\$60,000.00 *divided by* 1460 days of required obligated service *times* 1221 days unserved), and
- (B) an amount equal to the product of the full number of months of obligated service not completed, multiplied by \$3,750.00.
- \$150,000 (\$3,750 *multiplied by* 40 months of service not completed)

For a total beginning principal of \$200,178.08.

- (C) interest on the above amounts from the date of the breach.

On September 20, 2013, she was notified that she had been placed in default for failing to fulfill the requirements of her NHSC/LRP contract. She was advised that the debt must be paid within one (1) year from the date of default. She was also advised that failure to make repayment arrangements by the due date would result collection action; including, the referral of her debt to the U.S. Department of Justice (DOJ) for enforced collection. She did not respond.

In a letter dated February 27, 2014, she was advised that her account had been referred to a private collection agency. She was notified that unless payment in full or an RA was concluded, the account would be referred to DOJ for enforced collection.

By letter dated April 25, 2014, she was advised that her account was delinquent. She was notified of HHS' intent to refer her debt to other Federal agencies for the purpose of administrative offset, which may include Federal tax refund offset, salary offset, wage garnishment, and other Federal or State Agencies payments. She was advised that paying the debt in full or entering into an RA would terminate administrative offset.

By letters dated March 06, 2018 and March 27, 2018, Ms. Weissling was sent a final notice regarding the delinquent debt. She was advised that if payment was not received within thirty (30) days, the debt would be referred to the DOJ for litigation. She did not respond.

The following provides a breakdown of payments made on the debt:

Treasury Offset Payments	03/23/2016	<u>5,099.00</u>
Total		\$5,099.00

Repeated attempts by HHS have been unsuccessful in establishing an acceptable repayment agreement. The debt is now being referred to the U.S. Department of Justice (DOJ), District of Southern Indiana, 10 W. Market St., Suite 210, Indianapolis, IN 46204 for enforced collection.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Shelese Woods, Assistant United States Attorney  
10 W. Market Street #2100, Indianapolis, IN 46217  
317-226-6333

**DEFENDANTS**

Monica Weissling

County of Residence of First Listed Defendant DuBois

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- X 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |   |                                |  |                                |                                |
|---|---|--------------------------------|--|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2                | <input type="checkbox"/> 2     | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3                | <input type="checkbox"/> 3     | Foreign Nation   | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- X 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 US 2541-1; 42 USC 2540

Brief description of cause:

National Health Service Corps (NHSC) Loan Repayment Program

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

1/16/19 s/ Shelese Woods

Shelese Woods, Assistant United States Attorney

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN

District of

INDIANA

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL CASE

V.

MONICA WEISSLING

CASE NUMBER: 3:19-cv-10

TO: (Name and address of Defendant)

Monica Weissling  
30 Wildcat Court  
Jasper, IN 47546

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Shelese M. Woods  
Assistant United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, IN 46204  
317-226-6333

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court, 46 East Ohio Street, Room 105, Indianapolis, Indiana 46204, within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> ) Tracy L. Jones	TITLE Supervisory Paralegal Specialist
<i>Check one box below to indicate appropriate method of service</i>	
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. name of person with whom the summons and complaint were left: _____ <input type="checkbox"/> Returned unexecuted: _____ _____ <input type="checkbox"/> Other (specify): _____ _____ _____	
<b>STATEMENT OF SERVICE FEES</b>	
TRAVEL	SERVICES
<b>DECLARATION OF SERVER</b>	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.  Executed on _____ Date _____ Signature of Server _____  Office of the U.S. Attorney, 10 W. Market St., Indianapolis, IN _____ Address of Server	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.